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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Bulgaria

1. The Committee considered the third periodic report of Bulgaria on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.16) at its 30th-32nd meetings, held on 16 and 17 November 1999 (twenty-first session), and adopted, at its 50th and 51st meetings, held on 30 November 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report by the State party which conforms generally with its guidelines. The Committee appreciates the comprehensive written replies submitted by the State party to the list of issues. It also notes with satisfaction the openness and candour of the exchange of views with the State party's delegation, as well as the comprehensive oral answers given to the questions put to the delegation during the dialogue.

B. Positive aspects

3. The Committee notes with satisfaction that despite the difficulties of the transition period, the State party has made extensive efforts to comply with its obligations under the Covenant.

4. The Committee notes with appreciation the ongoing consideration of the establishment of an Ombudsman's office in Bulgaria, and encourages the State party to proceed as speedily as possible towards the creation of the post.

5. The Committee welcomes the readiness of Bulgaria to give favourable consideration to acceding to an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

6. The Committee notes with satisfaction that despite the privatization of health services, medicines will continue to be distributed free of charge to the disadvantaged groups of society, and that mental health services will remain public.

7. The Committee notes with satisfaction the establishment, at the Higher Institute, of a programme for the training of police officers in human rights and refugee law. Similarly, the Committee welcomes the training in human rights afforded to magistrates.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee acknowledges the negative effects of the armed conflict in the Balkans on the Bulgarian economy, especially the destruction and blockage of trade routes and the disruption of navigation on the Danube.

9. The Committee takes note of the information supplied by the delegation that the financial stringencies related to structural adjustment programmes undertaken by Bulgaria in agreement with international financial institutions have negatively affected the ability of Bulgaria to comply with its obligations under the Covenant.

D. Principal subjects of concern

10. The Committee is deeply concerned that despite the efforts of the State party to improve the situation of the population, there is still an alarmingly high level of poverty in Bulgaria and that the social protection of the population continues to deteriorate, especially among the vulnerable groups.

11. The Committee deplores the discrimination against the Roma minority in many aspects of life, including education, work, social benefits and access to land. The Committee is especially concerned about the high rate of unemployment among the Roma minority and the poor quality of education afforded to this group.

12. The Committee notes with regret that the delegation was not able to specify any procedure through which minorities can voice complaints about the status of their enjoyment of economic, social and cultural rights.

13. The Committee notes with regret that despite the Government's efforts to combat unemployment, success has not been achieved in this regard.

14. The Committee deplores the situation where those who are employed receive salaries which do not allow them to secure for themselves and their families an adequate standard of living.

15. The Committee regrets that there is no legal prohibition of dismissal from employment on grounds of pregnancy.

16. The Committee takes note of the comments of the Committee of Experts of the International Labour Organization on limitations to the right to strike in Bulgaria, in particular concerning paragraph 11 (2) of the law of 1990 on collective labour disputes regarding the conditions for voting to exercise the right to strike in companies, and paragraph 16 (4) of the same law prohibiting the right to strike of workers in the health services, energy production and communications system sectors.

17. The Committee regrets that the State party has not accorded sufficient attention to the well-being of older persons, nor has it made an effort to guarantee to them a dignified life.

18. The Committee deplores the deterioration of the housing situation in Bulgaria and regrets that only ineffective measures have been taken by the State party to alleviate overcrowding and the generally poor condition of the housing that is available.

19. The Committee regrets the lack of opportunities for minorities to receive education in their own languages.

20. The Committee is also concerned about the low wages of teachers in Bulgaria.

21. The Committee is concerned that the fees introduced in higher education may represent a serious obstacle for disadvantaged groups of society seeking such an education.

E. Suggestions and recommendations

22. The Committee recommends that the State party seek the technical cooperation and assistance of the Office of the United Nations High Commissioner for Human Rights with a view to establishing a national human rights institution in conformity with the 1991 Principles relating to the status and functioning of national institutions for the promotion and protection of human rights ("the Paris Principles").

23. While the State party has to strike a balance between reforming the economy and safeguarding the rights enshrined in the Covenant, the obligations arising therefrom require that an adequate standard of living for all citizens, and in particular the most vulnerable groups, must be assured. The Committee refers to its General Comment No. 12 (1999) in this regard.

24. The Committee recommends that the State party evaluate the economic reform programmes with respect to their impact on poverty, and make efforts to adjust these programmes in such a way that they adequately respond to the current social needs of the population. The Committee recommends that in negotiations with international financial institutions, the State party take into account its obligations to respect, protect and fulfil all the rights enshrined in the Covenant.

25. The Committee recommends that the State party take the necessary measures to allow for the full exercise of the right to strike, and in particular to amend paragraphs 11 (2) and 16 (4) of the law of 1990 on collective labour disputes concerning the right to strike.

26. Having in mind the United Nations International Year for Older Persons and the increase in the number of older persons in Bulgaria, the Committee recommends that the State party take affirmative action for the well-being of older persons.

27. The Committee calls upon the State party to continue its efforts to integrate ethnic minorities into society, and to undertake measures to provide the opportunity for such minorities to be educated in their own languages.

28. The Committee recommends that the State party establish a plan of action to improve the housing situation, in particular the social housing situation. If necessary, the State party should request international assistance in this regard.

29. The Committee takes note of the measures taken to alleviate the situation of asylum-seekers and refugees, such as the adoption of a new law on refugees and the construction of a new centre for asylum-seekers. The Committee urges the State party to implement fully the law reforms and to ensure that there is an improvement in the situation of refugees detained at the international airport in Sofia.

30. The Committee recommends that the State party prohibit dismissal on the grounds of pregnancy.

31. The Committee requests the State party to provide information, in its fourth periodic report, on the phenomena of child labour, street children and domestic violence against women.

32. The Committee requests the State party to explain, in its fourth periodic report, the measures it has taken to ensure that all teaching staff enjoy the conditions, including wages, commensurate with their status, in accordance with article 13 (2) (e) of the Covenant.

33. Given that fees for higher education may represent a serious obstacle to disadvantaged groups, the Committee requests the State party to explain, in its fourth periodic report, the steps taken to improve access to higher education for all, such as the introduction of an effective fellowship system, as provided for in article 13 (2) (e) of the Covenant.

34. The Committee urges the State party to undertake the necessary measures to ensure that the provisions of the Covenant are widely disseminated, particularly within the legal profession and among members of the judiciary.

35. The Committee requests the State party to provide information, in its fourth periodic report, on case law, if any, concerning the provisions of the Covenant.

36. The Committee requests the State party to ensure the wide dissemination of these concluding observations. In its fourth periodic report, to be submitted on 30 June 2001, the State party is requested to provide detailed information on the steps it has undertaken to implement these recommendations of the Committee.